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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8038 OF 2006

M/s.Bharat Re-Rolling Steel Industries ... Petitioner
V/s.
Secretary, Engineering &
Metal Kamgar Union ... Respondent

Mr.K.S. Bapat with A.Fatangare for Petitioner
Mr.S.M. Dharap with A.N. Helekar for Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **AUGUST 6, 2007**

P.C.:

. This petition challenges the award of the Industrial Tribunal at Sangli dated 20.2.2006. The Industrial Tribunal has decided the wage reference and has granted certain demands of the workmen. The demand for fixing wage scales, increments, casual leave, etc. have been allowed, partly. It has also granted the demand for classification of the workmen in the following manner:

> "(iii) Demand no.1(c):- is hereby allowed and it is hereby directed that the First Party shall classify its workers into unskilled, Semi-skilled and skilled categories in consultation with the Second Party Union and both the parties shall enter into agreement in that connection and the workers shall be fitted in the Wage scale applicable to them according to their categories.
>
> (iv) It is hereby further directed that until the agreement as above is arrived at and executed, the workers shall be given the wage scale prescribed for unskilled workers & shall be given fitment in the wage scale as unskilled workers as prescribed in this Award and the wage scale shall be revised/refixed after the execution of the agreement in respect of

categories of workers.

(v) The wage scale as above shall be granted and classification of workers in the three grades as above shall be made with effect from 1/5/1992.

2. The learned Advocate for the petitioner submitted that there was no warrant for granting the demand of classification as there was no evidence on record. The Tribunal, in my view, while directing classification, has maintained all safeguards as sufficient evidence was not available on record in that regard. The tribunal, while granting the demand of classification of the workman into 3 categories, has directed that the Petitioner will classify them accordingly, in consultation with the union.

3. The next submission of the learned Advocate is that the Tribunal ought to have considered the Industry cum Region formula before deciding whether the petitioner had the financial capacity to bear the burden. In my view, the Industrial Tribunal has, by a well written award, considered all the aspects of the matter and granted some of the demands raised.

4. The learned advocate for the petitioner submits that the wage rise granted under the award is from the year 1992 onwards. According to him, from the year 1998, the minimum wages exceed the wages as awarded and,

therefore, the petitioner is now paying according to the minimum wages.

5. The Tribunal has given cogent reasons for granting certain demands of the workmen which do not require any interference from this Court. Petition rejected.